



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 8.1

Meeting Date: April 25, 2011

Subject: Resolution #2652 Notice of Layoff – Classified Employees –
Reduction in Force Due to Lack of Funds and/or Lack of Work

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Learning Support Unit/Department: Human Resource Services

Recommendation: Approval of Resolution #2652 Notice of Layoff – Classified
Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work

Background/Rationale: The State of California is facing a major fiscal crisis, which has caused tremendous uncertainty and budget reductions throughout California. In addition to these events, the District faces budget deficits, under-enrollment in certain school sites, reduction or elimination of categorical funds, and continued structural changes.

Under state law, Education Code §§ 45114, 45115, 45117, 45298, and 45308, school districts must provide not less than a 45 day notice to classified employees before the effective date of a layoff. The notice includes the effective date of the layoff, and describes displacement (bumping) rights of the classified employee, if any, and reemployment rights. Resolution #2652 includes Exhibit A which lists the classified positions that will be reduced or eliminated for the 2011-2012 school year.

The District will continue to identify alternative solutions to ensure the least or minimal impact on classified employees of the District. As decisions are made regarding the District's budget for 2011-2012, additional funding may become available, new positions may be identified and/or positions that were reduced or eliminated may be reinstated.

Financial Considerations: Reduction in budget expenditures.

Documents Attached:

- Resolution # 2652
- Attachment A (available at Board meeting)

Estimated Time of Presentation: 5 minutes

Submitted by: Robert R. Garcia, CHRO

Approved by: Jonathan Raymond, Superintendent

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I. Overview/History:

Resolution #2652 – Notice of Layoff – Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work provides for budgetary flexibility by reducing or eliminating certain classified positions and authorizing the District to issue layoff notices to classified employees.

II. Driving Governance:

- Education Code 45114 – The Governing Board may lay off and reemploy classified employees only in accordance with procedures provided by Sections 45298 and 45308.
- Education Code 45115 – Any person who was subject to being, or was in fact, laid off for lack of funds and/or lack of work and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list.
- Education Code 45117 – See description under Major Initiatives below.
- Education Code 45298 – Persons laid off because of lack of funds and/or lack of work are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants.
- Education Code 45308 – Classified employees shall be subject to layoff for lack of funds and/or lack of work.

III. Budget Impact:

Reduction in budget expenditures.

IV. Goals, Objectives and Measures:

Under state law, specifically Education Code §§ 45114, 45115, 45117, 45298, and 45308, school districts must provide not less than 45 days notice to classified employees that they will be laid off for lack of funds and/or lack of work. The notice includes the effective date of the layoff, and describes displacement (bumping) rights of the classified employee, if any, and reemployment rights. Resolution #2652 includes Exhibit A which lists the classified positions that will be reduced or eliminated for the 2011-12 school year.

V. Major Initiatives:

Education Code 45117 provides that due to a reduction or elimination of the service performed by any department, classified employees shall be subject to layoff for lack of funds and/or lack of work. Section 45117 further requires that the employees to be laid off at the end of the school year be given written notice not less than 45 days prior to the effective date of the layoff and informed of their displacement rights, if any, and reemployment rights. Classified positions

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which are specially funded require that layoff notices be served on or before April 29, 2011.

VI. Results:

Resolution #2652 Notice of Layoff – Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work will reduce or eliminate certain classified services and will require the reduction or elimination of classified positions. The Resolution authorizes the service of layoff notices to affected classified employees, based on displacement rights (bumping based on seniority) and informs the employees of their reemployment rights. With approval of the Resolution, the Chief Human Resources Officer will take all actions necessary including service of layoff notices effective at the end of the employee's service for the 2010-11 school year.

VII. Next Steps:

Approve Resolution #2652 – Notice of Layoff – Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work.

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 2652

**NOTICE OF LAYOFF – CLASSIFIED EMPLOYEES – REDUCTION IN FORCE
DUE TO LACK OF FUNDS AND/OR LACK OF WORK**

WHEREAS, Education Code §§45114, 45115, 45117, 45298 and 45308 require that notice of layoff for lack of funds and/or lack of work be provided to classified employees and set forth the procedures for laying off and reemploying such employees; and

WHEREAS, due to a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of funds and/or lack of work, and affected employees shall be given notice of layoff not less than 45 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights; and

WHEREAS, the Superintendent has recommended that the positions for the following classified employees as set forth in Exhibit A (attached hereto and incorporated herein by reference as though fully set forth) shall be reduced or eliminated for the 2011-12 school year. The Board of Education directs the Superintendent or his authorized designee to give notice to the affected employees not less than 45 days prior to the effective date of layoff due to a lack of funds and/or lack of work and of their displacement rights, if any, and reemployment rights.

NOW, THEREFORE, BE IT RESOLVED, that it shall be necessary, pursuant to the recitals above incorporated by this reference, to eliminate the classified positions listed in Exhibit A as a result of lack of funds and/or lack of work. The Superintendent or his authorized designee is directed to take all appropriate action needed pursuant to the applicable provisions of the Education Code.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 25th day of April, 2011, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

Gustavo Arroyo,
President of the Board of Education

ATTESTED TO:

Jonathan P. Raymond
Secretary of the Board of Education